

A JOINT MEMORIAL

REQUESTING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO ADOPT  
RULES FOR IMPLEMENTING A FOSTER PARENTS BILL OF RIGHTS.

WHEREAS, foster parents have the right to be treated with dignity, respect and  
consideration as professional members of the child welfare team; and

WHEREAS, they have the right to be notified of scheduled meetings  
concerning the foster child in their care, in order to actively participate in the case-  
planning and decision-making process regarding the child, including individual service-  
planning meetings, administrative case reviews, interdisciplinary staffings and  
individual educational planning meetings; and

WHEREAS, they have the right to provide input concerning the plan of services  
for the child and to have that input given full consideration, in the same manner as  
information presented by any other professional on the team; and

WHEREAS, foster parents have the right to communicate with professionals  
who work with the foster child within the context of the team, including therapists,  
physicians and teachers; and

WHEREAS, they have the right to receive adequate prior written notice and  
invitation to all court hearings regarding a foster child in their care and the right to  
submit factually based written reports to judges presiding over the foster child's case;  
and

WHEREAS, they have the right to receive full disclosure of all known  
behavioral, medical and psychological issues of a foster child placed in their home,  
and the safety of the foster family should not be put at risk due to undisclosed

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behaviors; and

WHEREAS, foster parents have the right to receive a written copy of the treatment plan and any subsequent amendments on a timely basis; and

WHEREAS, they have the right to be informed of and receive all available support services for a child being cared for in their home, as well as the right to be considered as a primary placement option when a child formerly in their foster home reenters the foster care system; and

WHEREAS, they have the right to be given reasonable prior written notice of any change in a child's treatment plan, any plan to terminate the placement of the child with the foster family and the reasons for the change or termination of placement, and the notice should be waived only in the case of court order or when the child is determined to be at imminent risk or harm; and

WHEREAS, foster parents have the right to receive timely financial reimbursement commensurate with the care needs of the child, as specified in the treatment plan, the right to obtain a substitute care placement agreement at the time that the child is placed in their home and the right to receive full reimbursement, as specified in the substitute care placement agreement; and

WHEREAS, in instances of short pays, foster parents have the right to be paid the full difference in a timely manner, and they have the reciprocal obligation to return overpays to the state; and

WHEREAS, foster parents have the right to be given standardized pre-service training and appropriate ongoing training to enhance their skills as foster care providers; and

WHEREAS, they have the right to be informed of all agency policies and

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procedures related to their role as foster parents; and

WHEREAS, they have the right to confidentiality regarding issues that arise in their foster homes and the right to a fair, timely and impartial investigation concerning any referral made upon them; and

WHEREAS, foster parents have the right to a fair, timely and impartial investigation concerning complaints filed against them, the right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal; and

WHEREAS, they have the right to emergency access to agency personnel on a twenty-four-hour, seven-day-a-week basis and the right to assistance in dealing with loss and separation when a foster child leaves their home; and

WHEREAS, they have the right to not be discriminated against on the basis of religion, race, color, creed, sex, national origin, age, marital status or physical handicap;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the children, youth and families department be requested to adopt rules to implement these principles as foster parent rights and to involve the following participants in developing those rules:

- A. the land of enchantment foster and adoptive parents association, incorporated;
- B. foster parents;
- C. a citizens review board;
- D. court-appointed special advocates;

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E. attorneys for biological parents;	H
F. guardians at litem;	J
G. judges of children's courts;	M
H. special education teachers;	1
I. therapists and counselors of children;	1
J. field office managers of the children, youth and families department;	8
K. children's court attorneys for the children, youth and families	P
department;	a
L. private agencies; and	g
M. foster care treatment agencies; and	e
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BE IT FURTHER RESOLVED that the children, youth and families department be requested to complete its rulemaking and report its progress to the appropriate interim legislative committee by November 2003; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the secretary of children, youth and families.